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Seventy-first year

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Thursday, 6 October 2016, 3 p.m.
New York

President:	Mr. Zagaynov	(Russian Federation)
Members:	Angola	Mr. Gaspar Martins
	China	Mr. Xu Zhongsheng
	Egypt	Mr. Moustafa
	France	Mr. Delattre
	Japan	Mr. Okamura
	Malaysia	Mr. Ibrahim
	New Zealand	Mr. Taula
	Senegal	Mr. Seck
	Spain	Mr. Gasso Matoses
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Mr. Pressman
	Uruguay	Mr. Bermudez
	Venezuela (Bolivarian Republic of)	Mr. Ramírez Carreño

Agenda

Maintenance of international peace and security

Report of the Secretary-General pursuant to Security Council resolution 2240 (2015) (S/2016/766)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Maintenance of international peace and security

Report of the Secretary-General pursuant to Security Council resolution 2240 (2015) (S/2016/766)

The President (*spoke in Russian*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Latvia, Libya, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Palau, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia and Sweden to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2016/766, which contains the report of the Secretary-General pursuant to Security Council resolution 2240 (2015).

Members of the Council have before them document S/2016/838, which contains the text of a draft resolution submitted by Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Malaysia, Malta, the Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Angola, China, Egypt, France, Japan, Malaysia, New Zealand, Russian Federation, Senegal, Spain, Ukraine, United Kingdom, United States, Uruguay

Abstaining:

Venezuela (Bolivarian Republic of)

The President (*spoke in Russian*): There were 14 votes in favour and one abstaining. The draft resolution has been adopted as resolution 2312 (2016).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Rycroft (United Kingdom): The United Kingdom welcomes the adoption of resolution 2312 (2016), which renews the mandate of the European Union's Operation SOPHIA for an additional 12 months. I am proud of the United Kingdom's role as penholder, and I am grateful to those Security Council delegations that supported the resolution today.

It is a vital renewal. The migration crisis remains one of our greatest shared challenges. Thousands have perished crossing the Mediterranean and thousands more continue to risk their lives to find a safer future. So many, perhaps all of them, have been exploited — by gangs, at the darkest points in their lives, with no regard for their safety, with no respect for anything other than profit.

In October last year, we took a stand against these traffickers. We authorized all European Union member States contributing to the Operation to interdict these gangsters and their boats on the high seas. Since that adoption, the brave men and women of Operation SOPHIA have directly apprehended 90 suspected smugglers and have put over 300 smuggling vessels beyond use. In doing so, we have sent a clear signal that smugglers can no longer operate with impunity in international waters.

The European Union's efforts have also saved lives — over 26,000 are estimated to have been rescued. But the smuggling networks have not been defeated. Therefore, through this renewal today, let us recommit our support to Operation SOPHIA as it continues its vital work to arrest smugglers and seize their boats. And let us be clear in this open meeting that Operation SOPHIA is only targeting smugglers and empty boats. Migrants encountered as part of the Operation will be taken to Europe as part of existing procedures. The European Union will do all that it can to protect the rights of those who need that protection.

Action against smugglers on the high seas is a key part, but only part, of the solution to addressing the

mass movement of people. We need to do more to tackle the root causes, including poverty, conflict and human rights violations and abuses. We must also do more to support countries that are hosting refugees from neighbouring countries and help reduce the secondary movements, which pose so many dangers for migrants and refugees.

While we recognize the benefits of migration to source and destination countries, as well as to the migrants themselves, the process must be managed. All States have the right to control their own borders in line with international law, but also in line with the obligation to accept the return of their nationals. We therefore need a comprehensive approach to the mass movement of people. Resolution 2312 (2016) is one part of that effort and an important part of the wider solution to the crisis.

Mr. Ramírez Carreño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela abstained in the voting on resolution 2312 (2016), which extends for an additional year the mandate of resolution 2240 (2015), on the illicit smuggling of migrants and human trafficking in the Mediterranean Sea. We did so because we believe that the reasons that led our delegation a year ago to take the same decision have not changed significantly. We are thus consistent in maintaining our position as it was expressed in 2015.

We reiterate our doubts that the resolution is an adequate instrument to comprehensively and appropriately address the tragedy being lived out by thousands of human beings — which is a consequence of the tragedy of war, political instability, poverty, terrorism and widespread violence that are plaguing major regions of Africa and the Middle East — who are desperately trying to reach safe havens even at the risk of their own lives, while becoming the victims of criminal organizations that benefit from the smuggling in and trafficking of human beings.

The report (S/2016/766) of the Secretary-General submitted in accordance with resolution 2240 (2015) expresses deep concern in paragraphs 59 and 3, respectively that

> "the number of men, women and children who die or go missing in the Mediterranean Sea has not fallen,
>
> "[and that] national and regional efforts have not resulted in an immediate improvement in the situation".

In accordance with statistics of the Office of the United Nations High Commissioner for Refugees (UNHCR) for the month of August, there were 3,177 deaths and disappearances in the Mediterranean Sea. The number of unaccompanied or separated minors who reached Italy via the Mediterranean also has significantly increased as compared to 2015 —by approximately 116 per cent for the period from January to July.

The complexity and multidimensional nature of the phenomenon requires a comprehensive approach that goes beyond a merely military and security-oriented approachk, including recourse to Chapter VII of the Charter of the United Nations, as some States within this organ claim to encourage. Venezuela once again therefore rejects the security- and criminalization-oriented approach to the issue of asylum seekers, refugees and migrants. We have to ask ourselves whether the flow of asylum seekers, refugees and migrants towards the shores of the Mediterranean has been reduced or is merely an issue of containing them on land? Is it perhaps the case that the existence of criminal organizations linked to human trafficking and smuggling is the root cause of the flows of refugees and migrants from Africa to Europe?

We could find answers to those questions, if we began by acknowledging that this human tragedy has worsened in recent years as the political, economic and social situation in the Middle East and North Africa — the result of foreign interference, military interventionism and war — has continued to worsen in tandem. Those who promote destabilization and crisis in legal and legitimately constituted Governments should bear in mind that the significant increase in the flows of migrants, asylum seekers and refugees is primarily a consequence of the terrible, violent conditions and social disintegration that have fomented armed conflict and military aggression in countries such as Libya, Syria and Iraq, among others, as well as poverty and social exclusion affecting the poorest countries.

For Venezuela, today's resolution addresses only a tiny part of this complex problem, and we believe that it is essential to consider and adopt measures in connection with the underlying causes, which are forcing thousands of people to undertake such

dangerous maritime journeys, as well as the reasons that lead them to become victims of human trafficking and smuggling.

> The report of the Secretary-General also states in paragraphs 4 and 6, respectively, that,
>
> "increasing control over some routes ... may have led to more frequent use of other routes ...
>
> "[a]s controls tighten and in the absence of commensurate safe and regular pathways, irregular crossings become more difficult, leading to a growing market for the services of smugglers".

It is not by building walls or invoking Chapter VII of the Charter that we must address the underlying causes for the flows of asylum seekers, refugees and migrants towards other regions, including Europe. It seems that, beyond the argument of fighting against criminal gangs, the purpose of such resolutions is simply to prevent these poor and desperate human beings from reaching safer destinations, as can be seen by the increasing number of restrictive and exclusionary policies that have proliferated in some European countries with regard to asylum seekers and migrants seeking shelter, which have moreover spread racist and xenophobic feelings in the region, thereby undermining governance in receiving countries.

According to several studies, to date, 70 walls have been built or are under construction around the world. Through measures such as these, we are gradually heading towards a world in which the countries of the North will be surrounded by walls that will, rather than respond with the solidarity and human and moral responsibility called for by the situation, prevent them from seeing and becoming sensitized to the terrible reality of the people plagued by wars, most of which are encouraged and promoted by the centres of power. We cannot forget, as during other periods in history, how Latin America and the Caribbean — and especially Venezuela — opened their doors to millions of citizens who sought security, peace and opportunities in our countries.

We wish to furthermore point out that the implementation of international measures to alleviate this human tragedy must be carried out in a concerted and coordinated manner. The issue requires broad-based and democratic forums for discussion, such as the General Assembly, to ensure the full participation of all Member States, with the involvement of countries of origin, transit and destination. Similarly, it is also fundamental that there be coordination and the generation of synergies between these countries and the various entities of the United Nations having competence in the area and the existing regional and subregional mechanisms.

To conclude, the Bolivarian Republic of Venezuela reiterates its unequivocal commitment to fulfilling the obligations under the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and other international legal instruments and resolutions related to the issue of human trafficking, as well as to the inescapable principle of shared but differentiated responsibility, which should be borne in mind in addressing this issue.

Mr. Bermúdez (Uruguay) (*spoke in Spanish*): Uruguay is aware of the alarming migration and refugee situation at the global level. According to data of the International Organization for Migration, between 1 January and 28 September approximately 302,486 migrants and refugees entered Europe by sea and 3,502 men, women and children died or disappeared. We often see heart-breaking images of the dead from North Africa and the Middle East who, while trying desperately to escape from the wars and the conflicts that have brokenout there, cross the Mediterranean Sea under inhumane conditions, while putting their lives at risk.

Uruguay voted in favour of renewing the provisions of resolution 2040 (2012) by way of today's resolution 2312 (2016), for we are aware of need to address and provide responses to the smuggling of human beings by criminal organizations that are benefiting from the difficult situation being experienced by thousands of people who are willing to risk their lives by going to sea in search of a better life. For Uruguay, it is essentiala that the work of EUNAVFOR Med Operation Sophia continue in full concordance with international humanitarian law and while taking into consideratiton the extreme vulnerability of the refugees and migrants who cross the Mediterranean Sea. In that regard, the measures mentioned in the resolution should be implemented in accordance with the purposes of principles of a Charter of the United Nations, as well as international law, international humanitarian law, refugee law and international human rights law.

Allow me to point out one aspect that is extremely important for my country, namely, the non-criminalization of migration. In that connection, we are concerned by the inclusion, in the seventeenth preambular paragraph, of the following reference to illegal migration:

> "the need for effective international action to address both the immediate and long-term aspects of illegal migration and human trafficking towards Europe".

My delegation would like to recall that it is not a crime to migrate, and States should therefore not develop policies that are aimed at criminalizing migrants. Moreover, it is important to point out that implementing resolution 2312 (2016), which we just adopted, does not affect the human rights of migrants and asylum seekers aboard vessels who are subject to the measures set out in the text.

Mr. Pressman (United States of America): I think I can agree with one point made by the representative of Venezuela, which is that this is indeed a human drama, and a tragic one at that. Over 130,000 people have set off from the North African coast to attempt to reach Italy this year alone; more than 3,000 of them did not survive that journey. Just last week, more than 250 people — including children as young as 4 — drowned after their boat sank just 12 miles from the Egyptian shore. It has been reported that last week alone more than 11,000 migrants had to be rescued off the Libyan coast.

Our work today is one part — just one part — of what is needed to save lives. All told, more than 10,000 souls have been lost at sea since 2014 after travelling untold miles to escape conflict and extreme poverty, and migrant smugglers and human traffickers have exploited a desperate situation. To stop these smugglers and stem such senseless deaths at sea, the member States of the European Union (EU), coordinating with Libya's Government of National Accord, took action last year through the EU Naval Forces Mediterranean Operation Sophia. Since last October, the Operation has assisted in saving over 37,000 people. For that reason, the United States fully supports renewing resolution 2240 (2016) to extend the Council's support for the EU Operation.

We are pleased that the EU has decided to expand its Operation's mandate to assist in the training of Libyan coast guard and navy. The United States is likewise providing capacity-building assistance to the new Libyan Government, and urges the international community to fully support Libya's Prime Minister Serraj, its Presidency Council and civil society efforts, which are helping Libyans establish a democratic, representative political system, strengthen the capacity of critical Libyan institutions to deliver services, secure Libya's territory and build effective, civilian-led national security institutions.

We must also address the abuses facing refugees and other migrants, lest efforts to shut down people-smuggling have the unintended consequence of trapping those seeking asylum, with no options to flee violence and conflict. We urge the EU and the Government of National Accord to ensure that the human rights and fundamental freedoms of those migrants who are rescued are respected, in accordance with applicable international law. We must also continue to work to end the root causes of this crisis — the conflicts and extreme poverty that drive people from their homes to attempt the very dangerous journey across the Mediterranean.

Mr. Delattre (France) (*spoke in French*): France welcomes the adoption of resolution 2312 (2016), which extends for 12 months the mandate on which the EUNAVFOR Med Operation Sophia is based, to fight against migrants on the high seas off the coast of Libya. I thank the British penholder for the very effective work done on this issue. Throughout the negotiations, the resolution enjoyed the full support of the European Union members of the Security Council.

Every day more men and women, often accompanied by children, risk their lives attempting to cross the Mediterranean Sea in the hands of smugglers who cynically exploit their distress. The European Union EUNAVFOR Med Operation Sophia has saved more than 25,000 individuals since the beginning of the year. These are all lives that were saved. This is only part of the response to the overall crisis of migrants, but it remains useful and necessary nonetheless. The effectiveness of the EUNAVFOR Med Operation Sophia is based to a large extent on the mandate provided by the Council, which allows it to have at its disposal the necessary resources to effectively combat the trafficking in migrants. It strives to do so in the framework of more general cooperation with the Government of National Accord, led by Prime Minister Serraj, which will soon involve the training of Libyan coast guards by the European Union.

As was the case with resolution 2240 (2015), this new text precisely defines the conditions under which the use of force is allowed in facing up to traffickers and smugglers. It also includes robust guarantees for the protection of the rights of migrants and refugees aboard the ships in question. Nothing has changed on that decisive point, and therefore our demands remain the same.

France considers it crucial that the United Nations continue to mobilize to come up with a comprehensive solution to the migrant crisis in the Mediterranean and the tragic situations it leads to. This text, in our view, is part of the answer. Our belief is that the Council cannot remain on the sidelines in silence in the tragic context of the situation in the Mediterranean right now.

The President (*spoke in Russian*): I now give the floor to the representative of Libya.

Mr. Elmajerbi (Libya) (*spoke in Arabic*): At the outset, allow me to congratulate you, Mr. President, on your assumption of the presidency of Security Council for this month. We are fully confident in your ability to conduct the work of the Council successfully and skilfully. Let me thank the Permanent Representative of New Zealand for his successful presidency of the Council last month. Allow me also to thank the delegation of the United Kingdom for its valuable efforts to achieve agreement on resolution 2312 (2016), which was just adopted.

The phenomenon of immigration is an old one. Throughout history, it has been characteristic of the development of humankind as people have sought better lives of dignity and security. However, the world today is experiencing an unprecedented phenomenon as waves of people are migrating, and the issue has become a priority of our contemporary world.

The Mediterranean region is no exception when it comes to this phenomenon — for a number of reasons, including instability, strife, conflict, the spread of terrorism, deteriorating economic and development prospects, increasing poverty and worsening climactic conditions. My country is at the very centre of that wave. Our geographic location has made Libya a crossing point from which thousands of people from the African continent, and elsewhere, traverse the Mediterrranean Sea to reach Europe. They risk their lives in the hope of escaping the insecurity and extreme poverty in their countries, only to drown in the Mediterranean.

This is an unprecedented human tragedy, one in which migrants have fallen victim repeatedly. They are either victims of the conditions that force them to emigrate and risk their lives, or of the gangs that traffic and exploit people and take advantage of the weakness of Libya's security institutions that is the result of political division. We therefore stress the importance of cooperating with Libya's security institutions, especially our coast guard, which has been able to save hundreds of migrants despite its limited means.

We greatly appreciate the readiness the European Union has demonstrated to lessen the dangers to migrants on the Mediterranean and save thousands of lives, including the important role played by its military operation in the Southern Central Mediterranean. However, as we stated here in the Council when resolution 2240 (2015) was adopted (see S/PV.7531), we continue to believe that the phenomenon of illegal migration cannot be dealt with by security means alone, including the proposal made by a senior official from a European Union member State to build a migrant city in Libya, which would be a violation of Libya's sovereignty. Other proposals, such as abrogating laws on residency and migration, cannot resolve the issue either, as they would only evade the root causes.

A comprehensive approach to address the issue must focus on the situation in source countries by providing assistance with a view to promoting and strengthening conflict resolution mechanisms and improving their ability to fight terrorism. Furthermore, such an approach must establish an agreement between the United Nations and source, transit and destination countries for developed countries to support development projects in source countries, within the framework of the 2030 Agenda for Sustainable Development.

While we truly appreciate the efforts of the European Union to save the lives of thousands of illegal migrants as they cross the Mediterranean, national and regional efforts have yet to lead to any improvement in the situation, as stated in the report of the Secretary-General. Therefore, we require a long-term strategy in which the European Union would have a major role in addressing the root causes of illegal migration. In tandem, it is imperative that we develop short-term actions to save the lives of thousands of illegal migrants, including through ongoing consultation with the States concerned, in particular Libya, as well as the African Union and the League of Arab States.

In conclusion, I do not think that anyone would object to any international efforts — in keeping with the principles of international law, particularly respecting the sovereignty of all States and non-interference in their internal affairs — aimed at avoiding the loss of more lives in the Mediterranean and putting an end to this humanitarian crisis.

The meeting rose at 3.35 p.m.